IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE V.K.MOHANAN

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 31753 of 2003(E)

PETITIONER:
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1. THE TRAVANCORE DEVASWOM BOARD,
REPRESENTED BY THE SECRETARY, NANTHANCODE,
THIRUVANANTHAPURAM.

2. THE SUB GROUP OFFICER,
KOOTTUMMEL SUB GROUP, TRAVANCORE DEVASWOM BOARD,
ALAPPUZHA.

BY ADV. SRI.M.K.CHANDRAMOHAN DAS, SC, TDB
SRI.P.VIJAYARAGHAVAN, SC, TDB

RESPONDENTS:
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1. THE DISTRICT COLLECTOR, ALAPPUZHA.

2. THE TALUK SURVEYOR,
KUTTANADU, ALAPPUZHA.

3. THE VILLAGE OFFICER,
KUTTANADU, ALAPPUZHA.

4. THE KAINAKARI GRAMA PANCHAYAT,
REPRESENTED BY THE SECRETARY, KAINAKARY,ALAPPUZHA.

5. THE ASSISTANT EXECUTIVE ENGINEER,
P.W.D. MANKOMBU, ALAPPUZHA.

6. BABYCHAN,
CONTRACTOR, NANNATTUMALIL, PACHA,
EDATHVA, ALAPPUZHA.

7. SUB INSPECTOR OF POLICE,
NEDUMUDY POLICE STATION, ALAPPUZHA DISTRICT.

BY GOVERNMENT PLEADER K. SANDESH RAJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1- PHOTOCOPY OF THE PROPERTY REGISTER OF THE DEVASWOM IN RESPECT OF KOOTTUMMEL, MEKKAD AND CHAKKAMKARI DEVASWOM

EXT.P2- PHOTOCOPY OF THE JUDGMENT DATED 26.6.02 IN O.S.1007/2001 OF THE COURT OF THE PRINCIPAL MUNSIFF, ALAPPUZHA

EXT.P3- PHOTOCOPY OF the COMPLAINT DATED 26.10.2002 FILED BYTHE ASSISTANT DEVASWOM COMMISSIONER, AMBALAPPUZHA BEFORE THE FIRST RESPONDENT

EXT.P4- PHOTOCOPY OF THE LETTER DATED 21.11.2002 SENT BY THE DEVASWOM COMMISSIONER TO THE 1ST RESPONDENT

EXT.P5- PHOTOCOPY OF THE JUDGMENT DATED 25.3.03 IN DBA.13/2003 OF the HON'BLE HIGH COURT OF KERALA

EXT.P6- PHOTOCOPY OF the PETITION DATED 4.6.03 SUBMITTED BY THE 2ND PETITIONER BEFORE THE 1ST RESPONDENT

EXT.P7- PHOTOCOPY OF THE LETTER DATED 26.7.03 SENT BY THE 2ND RESPONDENT TO THE ASST. DEVASWOM COMMISSIONER AMBALAPPUZHA

EXT.P8- PHOTOCOPY OF THE COMPLAINT DATED 30.9.2003 SENT BY THE ASST.DEVASWOM COMMISSIONER TO THE 1ST RESPONDENT

(TRUE COPY)

P.A TO JUDGE

K.S.RADHAKRISHNAN & V.K.MOHANAN, JJ

W.P.(C). 31753/2003

Dated this the 22nd day of August, 2007

JUDGMENT

Radhakrishnan, J

Writ petition was preferred by the Travancore Devaswom seeking a writ of mandamus restraining the respondents 4 to 6 from constructing/widening the road going in front of Mekkadu Devi Temple till the survey of land of the Devaswom is completed by the second respondent, Taluk Surveyor, and also for other consequential reliefs. Interim order was passed by this Court as early as on 9.10.2003. Respondents 1 to 5 received notice. However, notice send to R6 was returned without signature. In such circumstances, we are inclined to dispose of this Writ petition directing the second respondent to complete the survey at the earliest. Till that time, interim order already passed will continue.

K.S.RADHAKRISHNAN
Judge

V.K.MOHANAN
Judge

mrcs